



September 25, 2020

Courtney DeBower
Assistant Committee Clerk
Human Services Committee
Texas House of Representatives
Via Email: Courtney.DeBower_HC@house.texas.gov

RE: Comments in Response to Request for Information – Interim Charges 2.2 – 2.5

Dear Members of the Human Services Committee:

Every Body Texas (formerly the Women’s Health and Family Planning Association of Texas) appreciates the opportunity to provide information and input on how Texas is preparing for state and federal budgetary changes that impact the state’s health program, including the Healthy Texas Women Section 1115 Demonstration Waiver, in response to the Notice of Formal Request for Information posted on Friday, August 14, 2020.

Every Body Texas is a non-profit organization dedicated to ensuring that every person in Texas can access safe, unbiased, high-quality sexual and reproductive healthcare. As the statewide Title X Family Planning Program grantee for Texas, Every Body Texas funds a diverse network of 35 providers—including federally qualified health centers (FQHCs), public health departments, hospital-based clinics, and free-standing family planning clinics—that serves nearly 200,000 clients at more than 160 service sites throughout Texas.

Title X providers supported by Every Body Texas also participate in Texas Medicaid and the state-funded women’s health programs administered by the Texas Health and Human Services Commission (HHSC), including Healthy Texas Women and the Family Planning Program. Providers rely on these critical revenue sources to offer robust family planning services to their clients and communities.

As the rates of unemployed and uninsured Texans rise across the state as a result of the COVID-19 pandemic, it is critical for state leaders to both fund safety net healthcare services and to reduce the number of uninsured Texans to ensure that our health and economy recover. For the reasons outlined below, Every Body Texas urges the Texas Legislature to maintain funding levels for Healthy Texas Women and the Family Planning Program during the 87th Legislature and to work with HHSC and key stakeholders to address outstanding women’s health program implementation issues.



Healthy Texas Women Section 1115 Demonstration Waiver Implementation

HHSC received approval for the Healthy Texas Women Section 1115 Demonstration Waiver on January 22, 2020 and began drawing down federal funds on February 18, 2020. HHSC submitted an implementation plan to the Centers for Medicare and Medicaid Services (CMS) in July 2020 and reviewed key aspects of the plan in a post-award public forum on July 16, 2020.ⁱ

During the July 16th post-award public forum, HHSC shared a number of changes to Healthy Texas Women eligibility and enrollment policies and practices, citing the waiver's requirement to comply with federal Medicaid eligibility, application, verification, and demonstration regulations. The following changes were of particular concern to stakeholders:

- Eligible women whose Medicaid for pregnant women coverage period is ending will no longer be automatically enrolled into Healthy Texas Women; and
- Women eligible for WIC, SNAP, or who have a child eligible for Medicaid will no longer be automatically financially eligible (adjunctively eligible) for Healthy Texas Women.

Stakeholders have urged HHSC to consider a number of solutions to limit the impact of proposed changes to Healthy Texas Women enrollment, including:

- **Improving the administrative renewal process, which HHSC proposes to use in lieu of auto-enrollment.** Currently, Texas's policies and systems for performing administrative renewals for MAGI-based eligibility groups have a very low success rate in achieving renewals compared to other states. According to a 50-state survey from the Kaiser Family Foundationⁱⁱ, Texas is one of only eight states with an administrative renewal rate of less than 25% (Note: Stakeholders understand that Texas's success rate is actually significantly below 25% and is one of the lowest in the country). Our coalition partner, Every Texan, recently provided HHSC with specific recommendations to improve administrative renewals and we strongly support the implementation of these policies.
- **Utilizing post-enrollment verification in addition to the administrative renewal process.** Post-enrollment verification allows a better transition for new moms, who could submit pay stubs or other required paperwork during a temporary period (90-day window) after she is enrolled. Post-enrollment verification is already used in Texas Medicaid for Pregnant Women and does not require a waiver from CMS. HHSC could work with CMS to utilize post-enrollment verification in Healthy Texas Women without expanding this to all Medicaid populations.
- **Re-entering negotiations with CMS over the use of adjunctive eligibility.** Since the beginning of Healthy Texas Women and its predecessor programs in 2007, HHSC has used adjunctive eligibility to accurately confirm whether a woman is income eligible for the program while minimizing burdens on women, clinics, and agency employees. If at application or renewal a woman is enrolled in the Women, Infants and Children Program



(WIC), has a child enrolled in Medicaid, or is in a household that receives SNAP or TANF, she is not required to prove her income again for Healthy Texas Women. CMS has long allowed adjunctive eligibility for certain eligibility groups. For example, CMS allows what is known as “express lane eligibility” for Children’s Medicaid. Express lane eligibility allows the state to identify, enroll, and recertify children by relying on eligibility information from other programs, like SNAP or WIC. CMS also has allowed adjunctive eligibility for certain adult eligibility groups through time-limited waivers.

To date, HHSC has not shared the Healthy Texas Women Section 1115 Demonstration Waiver implementation plan with stakeholders; as a result, the foregoing recommendations were developed based on limited information provided by HHSC. **We urge legislators to continue monitoring implementation of the Healthy Texas Women Section 1115 Demonstration Waiver during the 87th Legislature and, if needed, to direct HHSC to implement eligibility and enrollment policies and practices—including those that may require a waiver amendment and/or systems changes—to limit the impact of proposed changes to Healthy Texas Women enrollment.**

HTW Plus Implementation

On September 1, 2020, HHSC announced the launch of an enhanced postpartum care services package for eligible women enrolled in Healthy Texas Women, called HTW Plus, as directed by Senate Bill 750, 86th Legislature, Regular Session, 2019.ⁱⁱⁱ Covered services will include:

- Cardiovascular imaging and laboratory studies, blood pressure monitoring equipment, and antihypertensive, anticoagulant, and antiplatelet medications;
- Diabetes management services including labs, additional injectable insulin options, blood glucose testing supplies, and voice-integrated glucometers for women with diabetes who are visually impaired;
- Asthma medications and supplies;
- Psychotherapy and peer specialist services for postpartum depression and other mental health conditions;
- Screening, brief intervention, and referral to treatment (SBIRT); medication assisted treatment (MAT); and peer specialist services for the management of substance use disorders; and
- Tobacco cessation drugs.

The successful delivery of these enhanced postpartum care services is contingent upon HHSC recruiting and enrolling specialty providers into the Healthy Texas Women program. Additionally, to ensure program effectiveness, HHSC must provide clear guidance about how to find an eligible HTW Plus provider to both Healthy Texas Women clients seeking to obtain



enhanced services and Healthy Texas Women providers seeking to make referrals for enhanced services.

Following the HTW Plus announcement, stakeholders expressed concerns to HHSC regarding the lack of information about the HTW Plus provider network—a critical component of service delivery. When requested by stakeholders, HHSC was unable to provide information about the number of providers available to offer HTW Plus benefits at program launch and noted that recruitment of specialty providers using existing relationships with managed care organizations was slated to begin in October 2020.

We urge legislators to continue monitoring implementation of SB 750 during the 87th Legislature to ensure effective implementation of HTW Plus—and to identify any unintended impacts on HTW Plus as a result of the changes to Healthy Texas Women eligibility and enrollment policies and practices outlined above.

Senate Bill 750 also directed HHSC to seek an 1115 Waiver Amendment to draw down federal funds for the postpartum care services package. HHSC has stated that it plans to initiate the required public comment period in October 2020, submit the waiver amendment to CMS in December 2020, and request an effective date of April 1, 2021.

In the event that HHSC does not receive a response to its waiver amendment during the 87th Legislative Session, general revenue may be required to support continued delivery of HTW Plus services in the 2022-2023 biennium. **While we are supportive of these enhanced services, we caution against reducing general revenue funding for other critical women's health programs, including Healthy Texas Women and the Family Planning Program.**

Every Body Texas appreciates the opportunity to provide these comments. If you require additional information about the issues raised in this letter, please contact me using the information provided in my cover email.

Sincerely,

Kami Geffray
Chief Executive Officer

ⁱ Texas Health and Human Services Commission. (2020, July 16). Healthy Texas Women 1115 Waiver Public Forum. *Texas Health and Human Services*. <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/policies-rules/1115-waiver/HTW/htw-1115-waiver-public-forum-slides.pdf>.



ⁱⁱ Brooks, T., Roygardner, L. (2020, March 26). Medicaid and CHIP Eligibility, Enrollment, and Cost Sharing Policies as of January 2020: Findings from a 50-State Survey. *Kaiser Family Foundation*. <https://www.kff.org/coronavirus-covid-19/report/medicaid-and-chip-eligibility-enrollment-and-cost-sharing-policies-as-of-january-2020-findings-from-a-50-state-survey/>

ⁱⁱⁱ Texas Health and Human Services Commission. (2020, August 31). HHSC's Healthy Texas Women Program Launches Enhanced Postpartum Care Services. *Texas Health and Human Services*. <https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/hhscs-healthy-texas-women-program-launches-enhanced-postpartum-care-services>.